IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CIVIL WRIT PETITION NO. 6572 OF 2007

DATE OF DECISION: May 03, 2007

Parties Name

Piara Singh

..PETITIONER

VERSUS

Divisional Canal Officer and others

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE JASBIR SINGH
HON'BLE MRS. JUSTICE NIRMAL YADAV

PRESENT: Mr. Ajay Sharda,
Advocate, for the petitioner.

JASBIR SINGH, J. (oral)

Order.

Vide order dated October 4, 2006 (Annexure P-1), application of the private respondents to restore water course in dispute, which was allegedly demolished by the petitioner, was allowed. Petitioner went in appeal, which was dismissed on March 6, 2007 (Annexure P-2). When application of the respondents was allowed, it was observed thus:

> "13. After perusing the case file carefully and going through the statements of the share-holders I have reached to the conclusion that the demand of the applicants is justified. After perusing receipts produced by applicants and entries of khasra girdawari of crop Sonni-2000 and Harri 2000-2001 itself proves that the reserve khal from which the fields of applicants were irrigated have been demolished. Opposite parties admitted in their statement about the demolition of the khal and stated that they

had demolished the khal after taking permission of Dalip Singh. The khal which is at point ABC was demolished. As per fard jamabandi of Revenue Department it is a reserve khal. The version of opposite party is proved that foul water is being put in the khal and in this regard applicants are instructed that they should not put foul water in the khal and should make separate system for disposal of four water. In case the applicants put their foul water in the Khal then legal action will be taken against them and both the parties are instructed to keep the khal clean from time to time. Therefore, keeping in view the recommendations of Sub Divisional Officer, Karhali and irrigation in mind, the demolished khal shown in sketch from point AB Murabba No. 28, Killa No. 7 adjoining point BC, Murabba No. 28, Killa No. 14/2, 15, 16/1, 20/2, 21/1 be restarted as per Section 30FF of Amended Canal and Drainage Act No. 8 of 1873."

We are of the view that the order passed is perfectly justified. It has come on record that the respondents had been getting water through the water course in dispute, demolition of which was even admitted by the petitioner before the authorities concerned. No case is made out for interference. Dismissed.

(Jasbir Singh)
Judge

(Nirmal Yadav)
Judge

May 03, 2007.
DKC